

Docket No. 4001-1208
PATENT
MAILSTOP AF

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Andreas SCHMIDT et al.

Conf. 6098

Application No. 10/553,796

Group 2163

Filed October 18, 2005

Examiner Sheree N Brown

METHOD FOR MANAGING AND REPRESENTING THE MEMORY CONTENT
ON THE USER SURFACE OF A DATA PROCESSING TERMINAL,
AND/OR COMMUNICATION TERMINAL

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 8, 2009

Sir:

Applicant requests review of the final rejection in
the above-identified application. No amendments are being filed
with this request.

A Notice of Appeal is filed herewith.

The review is requested for the reasons advanced on
the attached sheets.

Respectfully submitted,

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REASONS IN SUPPORT OF REQUEST FOR REVIEW

Claims 13-25 are pending in the application. Claims 13-25 have been rejected. Claim 13 is an independent claim.

Claims 13-25 have been rejected under 35 USC §101 as not being directed to statutory subject matter. Claims 13-25 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2004/0086120 ("AKINS") in view of U.S. Publication 2003/0046407 ("ERICKSON").

Withdrawal of these rejections as being clearly deficient is respectfully requested.

Regarding statutory subject matter, the claims of the present invention are drawn to a process for display of memory contents on a user surface. Independent claim 13 clearly sets forth a positive process step by reciting: "displaying on the user surface . . ." Claim 13 and its dependent claims thus clearly fall within the *aegis* of 35 USC §101.

Turning to the art rejection, the present invention pertains to a method for managing the memory of a data processing or communication terminal that is shown, by way of example, in Figure 5 of the application, which is reproduced below.

FIG 5

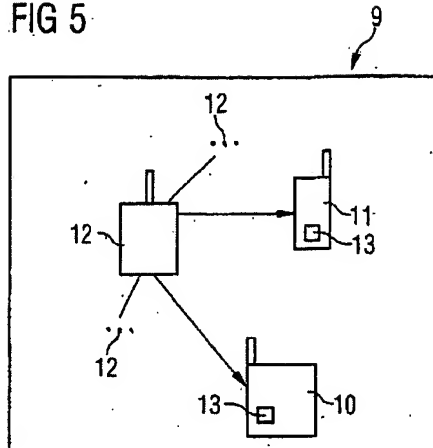
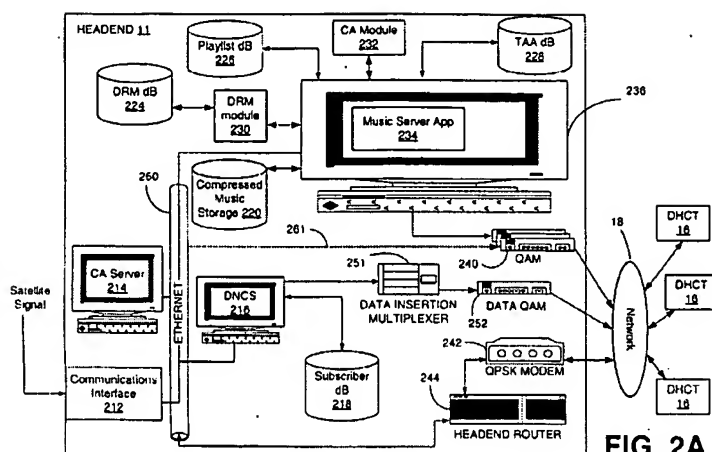


Figure 5 shows a data processing terminal (10), a communication terminal (11) and base stations (12). Claim 13 of the present invention includes "displaying on the user surface (1) at least one parameter (5) comprising name, title, type, or size of at least one **useful data object** (3) contained in a DRM data file (2), instead of or in addition to at the least one parameter selected from the name, type or size of the DRM data file (2)."

According to claim 1 of the present invention, a content of a memory is shown to the user. The memory stores a DRM-file, the DRM-file including several user data objects. The user is shown either a parameter, e.g., name, type, size, of a user data object (or parameters of several user data objects), or a parameter, e.g., name, type, size, of the DRM-file and in addition a parameter of a user data object (or parameters of several user data objects).

AKINS, for example, pertains to selecting and downloading content to a portable player, as is shown in Figure 2A of the reference, reproduced below.



However, neither AKINS nor ERICKSON disclose that parameters of a content object ("*useful data object*") contained in a DRM file are displayed by the user interface.

It appears that the aforementioned feature has been artificially assembled by picking the verb ("*displaying. . .*") from AKINS and the substantive ("*useful data object*") from ERICKSON, thus taking these terms clearly out of context. Such an assembling, however, should be a clear indication of improper hindsight judgment in a picking and choosing manner. (In such a manner every feature combination could be artificially assembled as a word puzzle).

Furthermore, it appears that ERICKSON is not technically combinable with AKINS, as ERICKSON actually teaches, e.g., in paragraph [0030] (last lines) that *"the proxy server must interact to obtain the location of (unencrypted versions of the content objects"* (see also paragraph [0034])).

That is, the system of ERICKSON depends on the DRM files being decrypted before they can be handled by a terminal. This, however, obviates the handling of encrypted DRM files at

the terminal side as taught by the DRM related embodiment of AKINS. Furthermore, these documents give no hint for combining these disjoint teachings. Neither AKINS nor ERICKSON specify how encrypted, i.e., DRM-protected content objects contained in a DRM file are to be displayed at the terminal side.

Further, the present invention set forth in independent claim 13 can be clarified in that:

- the parameter of the user data object is read from the DRM file (see claim 15),

- the user data object (of which the parameters are read) is DRM protected (see page 4, lines 18-19 or page 11, lines 27-29 of the specification), and/or

- the display of the parameter of the user data object is performed before the user data object is decrypted.

The latter feature may be concluded from page 5, lines 25-28 of the specification and claim 22, which indicate that the decision about the decryption of the user data object takes place after the display of its parameter.

The above features emphasize the advantages of the present invention, which advantages were already discussed in the Amendment of October 2, 2008. That is, the content objects of a protected DRM file can only be accessed by means of an appropriate key, i.e., the display of the content of a DRM file can not be achieved by the usual means for displaying, e.g., a folder listing. Instead, the DRM file has to provide some special parameters of its content which parameters can be displayed without having to (elaborately) decode the whole content and even without having a key. With such preview

parameters the user can immediately get some idea about the contents of an actually displayed DRM file and can decide on this information whether he wants to decode the content and/or to acquire (buy) a key afterwards.

AKINS and ERICKSON show no evidence for the above subject matter and do not discuss such kinds of problems.

Therefore, the above-described failures by the Office constitute clear error.

Withdrawal of the rejections as being clearly deficient is accordingly respectfully solicited.